



Senate Bill No. 1200

November 24 Special Session, Public Act No. 08-2

AN ACT CONCERNING VARIOUS MEASURES TO PROVIDE RELIEF FOR MUNICIPALITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective from passage*) The Commissioner of Administrative Services may serve as the contracting agent for a group of three or more municipalities that seek to purchase supplies, materials or equipment, upon the request of such group of municipalities, provided (1) the commissioner determines that the municipalities will achieve a cost savings through the commissioner serving as the contracting agent, and (2) such cost savings are greater than the administrative costs to the state for the commissioner serving as the contracting agent. As the contracting agent for such a group of municipalities, the Commissioner of Administrative Services may perform administrative functions in accordance with state procurement laws and regulations, including, but not limited to, the following: Issuing requests for bids or proposals, selecting the successful bidder based on competitive bidding or competitive negotiation and administering any contracts for such purchases. Nothing in this section shall be construed to require the state to be a party to any such contract entered into pursuant to this section.

Sec. 2. Section 7-148v of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective from passage*):

Notwithstanding the provisions of any municipal charter or any special act to the contrary, any municipality may, by ordinance, establish requirements for competitive bidding for the award of any contract or the purchase of any real or personal property by the municipality. Such ordinance may provide that, except as otherwise required by any provision of the general statutes, sealed bidding shall not be required for contracts or purchases having a value less than or equal to an amount established in the ordinance, which amount shall not be greater than seven thousand five hundred dollars. Nothing in this section shall be deemed to invalidate any ordinance enacted by a municipality prior to October 1, 1989. Nothing in this section and no ordinance adopted pursuant to this section shall be construed to limit the ability of a municipality to enter into a contract pursuant to section 1 of this act.

Sec. 3. Section 7-378a of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Notwithstanding the provisions of sections 7-264 and 7-378, and any other public or special act or charter which limits the renewal of temporary notes issued in anticipation of the receipt of the proceeds of bond issues to two years or any lesser period of time from the date of the original notes, any municipality, as defined in section 7-369, may renew any temporary notes for a period of not more than [eight] ten years from the date of the original issue of such temporary notes if the municipality promptly applies all project grant payments toward project costs or toward payment of such temporary notes as the same shall become due and payable or deposits such grants in trust for such purposes and if the legislative body of such municipality (1) authorizes the inclusion in the annual budget for each year or otherwise appropriates sufficient sums, from funds other than project grants or

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note proceeds, to retire notes equal to at least one-twentieth of the town's estimated net cost of the project no later than three years from the date of the original issue of such temporary notes and again for each subsequent year during which such temporary notes remain outstanding; (2) reduces the principal amount of each bond issue when sold by the amount spent under subdivision (1) of this section, and provides for the payment or amortization of the principal of such bonds in annual installments commencing no later than ~~[nine]~~ eleven years from the date of original issue of the temporary notes being permanently financed by such bonds; (3) reduces the maximum authorized term of the bonds when sold by not less than the number of months by which the date of issue exceeds two years from the date of the original notes. For sewer projects or school building projects, as defined in section 7-380c of the 2008 supplement to the general statutes, the annual payments required under said subdivision (1) shall be at least one-thirtieth of the town's estimated net cost of such sewer or school building project. Any federal or state grants which are to be paid over a period of years to reimburse the municipality for a portion of principal due on bonds or notes may be used in computing the municipality's net cost of the project. That portion of the proceeds of the issue of any such temporary notes being issued as part of a common sale, which portion is not used to refund outstanding temporary notes, shall be deemed a separate loan and be considered to have a separate original issue date. Each such portion of any such temporary notes may be renewed in accordance with the provisions of this section.

Sec. 4. Subsection (c) of section 10-56 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) When a district has been authorized to issue general obligation bonds, notes or other obligations as provided by this section, the board

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may authorize, for a period not to exceed [~~eight~~] ten years, the issue of temporary notes in anticipation of the receipt of the proceeds from the sale of such bonds. Notes issued for a shorter period of time may be renewed by the issue of other notes, provided the period from the date of the original notes to the maturity of the last notes issued in renewal thereof shall not exceed [~~eight~~] ten years. The term of such notes shall not be included in computing the time within which such bonds shall mature, provided such term does not exceed four years. For any series of notes the term of which is extended past the fourth year, the provisions of section 7-378a of the 2008 supplement to the general statutes, as amended by this act, providing for the retirement from budgeted funds of one-twentieth, or one-thirtieth, as applicable, of the net project cost, the reduction of the term of the bonds when sold and the commencement of the first principal payment of such bonds, shall apply with respect to each year beyond the fourth that the notes are outstanding. The provisions of section 7-373 shall be deemed to apply to such notes. The board, or such officer or body to whom the board delegates the authority to make such determinations, shall determine the date, maturity, interest rate, form, manner of sale and other terms of such notes which shall be general obligations of the regional school district and member towns. Such notes may bear interest or be sold at a discount. The interest or discount on such notes and any renewals thereof and the expense of preparing, issuing and marketing them may be included as a part of the cost of the project for the financing of which such bonds were authorized. Upon the sale of such bonds, the board shall apply immediately the proceeds thereof, to the extent required, to the payment of the principal and interest of all notes issued in anticipation thereof or deposit the proceeds in trust for such purpose with a bank or trust company, which may be the bank or trust company, if any, at which such notes are payable.

Sec. 5. (*Effective from passage*) (a) For purposes of this section, "municipality" means any town, consolidated town and city,

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consolidated town and borough, borough, district as defined in section 7-324 of the general statutes, and any city not consolidated with a town.

(b) On or before December 31, 2009, any municipality, by ordinance adopted by its legislative body, may establish a one-time amnesty program for persons owing any tax, assessment, fee, fine or other payment to such municipality. Such program may (1) apply to any unpaid or partially paid taxes, fees, assessments, including those for special districts, fines, including those for alleged violations of any municipal ordinance, or other payments required to be paid to such municipality, (2) provide for full or partial forgiveness of interest, penalties, fines, costs or other fees due on such unpaid or partially paid taxes, fees, assessments, fines or other payments, (3) limit the applicability of such program to a time period prior to the institution of such program during which such unpaid or partially paid taxes, fees, assessments, fines or other payments were levied by such municipality, (4) provide exclusions for persons who fail to meet criteria that such municipality may set for eligibility for such program, and (5) establish such other terms as such municipality may deem necessary to conduct such program effectively and efficiently.

(c) No municipality may make such program available for a period of time in excess of ninety calendar days. Such municipality shall apply the terms of such program in the same manner to each person owing any tax, assessment, fee, fine or other payment to such municipality.

Sec. 6. (NEW) (*Effective from passage*) (a) For purposes of this section:

(1) "Bona fide tenant" means a tenant who (A) is not the mortgagor or owner of the property, and (B) entered into the rental agreement in an arms-length transaction; and

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(2) "Premises", "rental agreement" and "tenant" have the same meanings as provided in section 47a-1 of the general statutes.

(b) Whenever a mortgage or lien of residential real property has been foreclosed and there is a bona fide tenant in possession on the date absolute title to the property vests in the mortgagee, lienholder or successor in interest, any execution of ejectment issued pursuant to section 49-22 of the general statutes against such tenant shall be stayed and no summary process action pursuant to chapter 832 of the general statutes or other action to dispossess such tenant shall be commenced until (1) in the case of a written rental agreement entered into more than sixty days before the commencement of the foreclosure action, the expiration date contained in such rental agreement or sixty days after the date absolute title vests in the mortgagee, lienholder or successor in interest, whichever occurs first, or (2) in the case of a rental agreement other than one described in subdivision (1) of this subsection, thirty days after the date absolute title vests in the mortgagee, lienholder or successor in interest, except that a summary process action or other action to dispossess such tenant may be commenced prior to such date for a reason set forth in section 47a-23 or 47a-31 of the general statutes other than for the reason that the tenant no longer has the right or privilege to occupy the premises as a result of such judgment of foreclosure.

Sec. 7. (NEW) (*Effective from passage*) Upon the foreclosure of a mortgage or lien of residential real property, any money or other valuable consideration offered by a mortgagee, lienholder or successor in interest to a tenant in possession as an incentive to vacate the premises shall (1) if there is evidence of the amount or value of the security deposit paid by the tenant, be at least equal in amount or value to the security deposit and interest that would be due such tenant pursuant to chapter 831 of the general statutes upon the termination of the tenancy and be in addition to any such security

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deposit and interest, or (2) if there is no evidence of the amount or value of the security deposit paid by the tenant or no security deposit was paid by the tenant, be in the amount of two months' rent or two thousand dollars, whichever is greater. No mortgagee, lienholder or successor in interest may require a tenant in possession, as a condition of the receipt of such money or other valuable consideration, to waive or forfeit any rights or remedies such tenant may have under law against such mortgagee, lienholder or successor in interest other than the right to bring an action to reclaim the security deposit and interest that would be due such tenant.

Sec. 8. Section 18 of public act 08-176 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The mediation period under the foreclosure mediation program established in section 17 of [this act] public act 08-176 shall commence when the court sends notice to each appearing party that a foreclosure mediation request form has been submitted by a mortgagor to the court, which notice shall be sent not later than three business days after the court receives a completed foreclosure mediation request form. The mediation period shall conclude not more than sixty days after the return day for the foreclosure action, except that the court may, in its discretion, for good cause shown, (1) extend, by not more than [ten] thirty days, or shorten [,] the mediation period on its own motion or upon motion of any party, or (2) extend by not more than thirty days the mediation period upon written request of the mediator.

(b) The first mediation session shall be held not later than [ten] fifteen business days after the court sends notice to all parties that a foreclosure mediation request form has been submitted to the court. The mortgagor and mortgagee shall appear in person at each mediation session and shall have authority to agree to a proposed settlement, except that if the mortgagee is represented by counsel, the mortgagee's counsel may appear in lieu of the mortgagee to represent

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the mortgagee's interests at the mediation, provided such counsel has the authority to agree to a proposed settlement and the mortgagee is available during the mediation session by telephone or electronic means.

(c) Not later than two days after the conclusion of the first mediation session, the mediator shall determine whether the parties will benefit from further mediation. The mediator shall file with the court a report setting forth such determination and mail a copy of such report to each appearing party. If the mediator reports to the court that the parties will not benefit from further mediation, the mediation period shall terminate automatically. If the mediator reports to the court after the first mediation session that the parties may benefit from further mediation, the mediation period shall continue.

(d) If the mediator has submitted a report to the court that the parties may benefit from further mediation pursuant to subsection (c) of this section, not more than two days after the conclusion of the mediation, but no later than the termination of the mediation period set forth in subsection (a) of this section, the mediator shall file a report with the court describing the proceedings and specifying the issues resolved, if any, and any issues not resolved pursuant to the mediation. The filing of the report shall terminate the mediation period automatically. If certain issues have not been resolved pursuant to the mediation, the mediator may refer the mortgagor to any appropriate community-based services that are available in the judicial district, but any such referral shall not cause a delay in the mediation process.

(e) The Chief Court Administrator shall establish policies and procedures to implement this section. Such policies and procedures shall, at a minimum, provide that the mediator shall advise the mortgagor at the first mediation session required by subsection (b) of this section that: (1) Such mediation does not suspend the mortgagor's obligation to respond to the foreclosure action in accordance with

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applicable rules of the court; and (2) a judgment of strict foreclosure or foreclosure by sale may cause the mortgagor to lose the residential real property to foreclosure.

(f) In no event shall any determination issued by a mediator under this program form the basis of an appeal of any foreclosure judgment.

(g) Foreclosure mediation request forms shall not be accepted by the court on or after July 1, 2010, and the foreclosure mediation program shall terminate when all mediation has concluded with respect to any applications submitted to the court prior to July 1, 2010.

(h) At any time during the mediation period, the mediator may refer the mortgagor to the mortgage assistance programs, except that any such referral shall not prevent a mortgagee from proceeding to judgment when the conditions specified in subsection (d) of section 16 of [this act] public act 08-176 have been satisfied.

Sec. 9. (*Effective from passage*) Notwithstanding any provision of the general statutes or any special act, charter or ordinance, the vote cast by the board of selectmen of the town of Bolton at the meeting held April 1, 2003, adopting an ordinance creating the Bolton Lakes Regional Water Pollution Control Authority, otherwise valid except for the failure of the town of Bolton to publish notice of the public hearing held on March 19, 2003, concerning said ordinance more than the required five days before the hearing, is validated and effective as of the date taken. All acts, votes and proceedings of the officers and officials of the Bolton Lakes Regional Water Pollution Control Authority and the officers, officials and voters of the town of Bolton and the town of Vernon pertaining to or taken in reliance on the adoption of said ordinance, including, but not limited to, the adoption by the town council of the town of Vernon of an ordinance concurrent with the ordinance validated under this section, and subsequent amendment of said ordinances and the adoption by the board of

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directors of the Bolton Lakes Regional Water Pollution Control Authority at the meeting held April 23, 2008, of a resolution authorizing an appropriation of \$21,700,000 and borrowing authorization for costs of a regional sewerage system to serve the portions of the Bolton Lakes area of the towns of Bolton and Vernon and connecting the system to existing sewage treatment facilities of the town of Manchester, otherwise valid except for the failure of the town of Bolton to publish notice of the public hearing on the ordinance, are validated and effective as of the date taken.

Sec. 10. (*Effective from passage*) Notwithstanding any provision of the general statutes or any special act, charter or ordinance, the vote cast by the electors and voters of the towns of Middlefield and Durham, the member towns of Regional School District Number 13, at the referendum held on May 6, 2008, relating to approval of an appropriation for the design and construction of athletic facilities and water systems and replacement of roofs, and the authorization of the issuance of bonds, notes and temporary notes by said district to finance a portion of said appropriation, otherwise valid except for the failure of the town of Durham to publish notice of the referendum in a newspaper having a general circulation in the town, is validated. All acts, votes and proceedings of the officers and officials of Regional School District Number 13 pertaining to or taken in reliance on said referendum, otherwise valid except for failure of the town of Durham to publish notice of said referendum in a newspaper having a general circulation in the town, are validated and effective as of the date taken.

Sec. 11. (*Effective from passage*) Notwithstanding any provision of the general statutes or any special act, charter or ordinance, the vote cast by the electors and voters of the towns of Bridgewater and Roxbury, member towns of Regional School District Number 12, at the referendum held on December 18, 2007, relating to a \$1,550,000 appropriation for design, construction and installation of various

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improvements to Shepaug Valley Middle School and Shepaug Valley High School, and the authorization of the issuance of bonds, notes and temporary notes and the acceptance of grants to defray said appropriation, otherwise valid except for the failure to properly publish notice of said referendum with respect to the towns of Bridgewater and Roxbury, is validated. All acts, votes and proceedings of the officers and officials of the Regional School District Number 12 pertaining to or taken in reliance on said referendum, otherwise valid except for the failure to properly publish notice of said referendum with respect to the towns of Bridgewater and Roxbury, are validated and effective as of the date taken.

Approved November 25, 2008